

1 A Finding, finding a buyer, that's correct.

2 Q And those efforts lasted up until the release of the
3 show cause order?

4 A Well, they've been ongoing since then. The, the --
5 there's -- I think what's in our exhibits here shows that we
6 found a way to go back on the air because we have -- we've
7 entered into an LMA with Lobster and part of that LMA is they
8 have an option, they have an option to purchase it.

9 Q I understand.

10 A And that's, that's what sort of -- has, has driven
11 it is that, you know, this is one way to find someone who will
12 buy it.

13 Q But I want to take you back just for one more
14 moment. From the summer or fall of 1991 through the time of
15 the release of the show cause order --

16 A Um-hum.

17 Q -- CAVAN's efforts were directed towards trying to
18 sell the station?

19 A Correct.

20 Q Let's turn to Bureau Exhibit No. 2. Now, this is a
21 Commission letter granting CAVAN's silent status through
22 August 23, 1991.

23 A Um-hum.

24 Q Do you recall receiving this letter?

25 A My recollection is refreshed by seeing it. Yeah,

1 I'm sure I did.

2 Q And this letter was granted just days after CAVAN
3 had requested its silent authority?

4 A Yes, it appears it was.

5 Q Apparently, the Commission did something right for a
6 change. We can turn to Bureau Exhibit No. 3. Do you recall
7 receiving this letter from the Commission which is dated
8 February 28, 1992?

9 A I believe I do.

10 Q Now, as of the date of this letter WTMS was off the
11 air without authority. Is that correct?

12 A Yes.

13 Q In fact, the only authority that WTMS had to remain
14 silent had run out on August 23, 1991, some six months
15 earlier. Is that correct?

16 MR. HUTTON: Your Honor, I object to this line of
17 questioning and this question in particular. Again, I argue
18 that any prior failures to obtain Commission authority to
19 remain silent are beyond the scope of the hearing designation
20 order.

21 JUDGE LUTON: Overruled.

22 BY MR. SCHONMAN:

23 Q Mr. Monahan?

24 A Say again, please?

25 Q In fact, the only authority that WTMS had to remain

1 silent had run out on August 23, 1991, some six months
2 earlier. Isn't that correct?

3 A That's correct, yes.

4 Q Can we turn to Bureau Exhibit No. 4, please? Now,
5 this is CAVAN's second request for silent status dated
6 March 11, 1992. Is that correct?

7 A I believe that's correct.

8 Q And is that your signature on page 2 of this letter?

9 A Yes, it is.

10 Q And you filed this letter with the FCC's secretary's
11 office?

12 A Yeah, I believe that's correct.

13 Q Do you recall whether it was mailed or hand-
14 delivered to the FCC's secretary's office?

15 A I'm pretty sure this was probably hand-delivered.

16 Q Did you receive a stamped copy for your files?

17 A I could not find one, but we -- there should have
18 been one because that was the typical process, you got a
19 stamped copy back. But I didn't have evidence of one but I
20 believe we probably did.

21 Q Let's turn to Bureau Exhibit No. 5. And this is
22 staff letter of April 10, 1992, granting a second round of
23 silent authority to CAVAN. Is that correct?

24 A Correct.

25 Q And it granted CAVAN authority to remain silent

1 through July 10, 1992, correct?

2 A Yes.

3 Q Do you recall receiving this letter?

4 A Independently, no, but I don't deny that I got the
5 letter.

6 Q And this was granted just about a month after your
7 request for extension was filed to remain silent. Isn't that
8 correct?

9 A That would be correct.

10 Q Let's turn to Bureau Exhibit No. 6, and that's
11 CAVAN's third request for silent status dated July 10, 1992.

12 A Right.

13 Q Is that your signature on the bottom of that page?

14 MR. HUTTON: Your Honor, I don't understand this
15 line of questioning. We have not placed an authenticity
16 objection to any of these documents. Mr. Schonman seems to be
17 just rippling through the documents and asking for
18 authenticity and it's not an issue. Or he's asking for
19 information that's apparent from the face of these documents.
20 I don't understand why -- what the relevance of all these
21 questions is.

22 MR. SCHONMAN: Well, Your Honor, the --

23 JUDGE LUTON: You may proceed.

24 MR. SCHONMAN: -- the questions relate to -- I'm
25 sorry?

1 JUDGE LUTON: You don't need to explain. Proceed.

2 BY MR. SCHONMAN:

3 Q Thank you. I think my last question was, is that
4 your signature on the bottom of this page?

5 A Not on this one -- apparently someone put my name --
6 by -- "(by NW)" who I suspect was another attorney in our
7 office who filed it.

8 Q Was, was this document filed with your authority?

9 A Yeah, I'm sure it was, yes.

10 Q Now, this was filed with the Commission before
11 CAVAN's previous silent authority had expired. Is that
12 correct?

13 A I think that's correct, yes.

14 Q In fact, it was filed on the very last day --

15 A Right.

16 Q -- of the silent authority.

17 A Right. Would appear to be.

18 Q And it was filed with the FCC's secretary's office?

19 A Yes, it was.

20 Q Do you recall whether it was filed with the
21 Commission either by mail or by hand?

22 A Well, I didn't sign this one so -- but the stamp
23 seem to indicate that it was.

24 Q Was what?

25 A Filed with the Commission by hand.

1 Q And you received a stamped copy for your files as
2 was your practice?

3 A I don't have an independent recollection but I'm
4 assuming I did.

5 Q We can turn to Bureau Exhibit No. 7. Now, Bureau
6 Exhibit No. 7 is a staff letter of July 23, 1992, requesting a
7 drug certification. Do you recall receiving this letter?

8 A I don't independently, but I'm sure I did.

9 Q This letter was sent to you only two weeks after you
10 had made your request for a further extension. Is that
11 correct?

12 A That's the date on it, yes.

13 Q Bureau Exhibit No. 8, Mr. Monahan?

14 A Um-hum.

15 Q And this is a letter from CAVAN dated August 20,
16 1992, providing a drug certification as requested by the
17 Commission staff. Is that correct?

18 A Correct.

19 Q And the certification is on page 2?

20 A Yes.

21 Q Is it your signature on both pages 1 and 2?

22 A That's correct.

23 Q Do you recall why it took almost a month to get this
24 certification filed with the Commission?

25 MR. HUTTON: Objection. Relevance.

1 JUDGE LUTON: Minor matter. Overruled.

2 WITNESS: I, I have, I have no idea. I don't.

3 BY MR. SCHONMAN:

4 Q You have no independent recollection?

5 A No.

6 Q Was this letter and the attached certification filed
7 with the FCC's secretary's office?

8 A The stamp says it was. It's addressed to Mr.
9 Burtle. I, I -- you know, I, I don't have an independent
10 recollection. I just have to assume that it was --

11 Q Do you recall whether this was hand-filed or mailed
12 to the Commission?

13 A I'm, I'm pretty sure this was hand-filed.

14 Q And did you receive a stamped copy for your files?

15 A Standard practice would have said we had. I just
16 don't remember.

17 Q We can turn to Bureau Exhibit No. 9, and this is a
18 letter from CAVAN dated October 23, 1992, providing a copy of
19 a drug certification. Is that your signature on that page?

20 A It is.

21 MR. SCHONMAN: Your Honor, I'd just like to note
22 that there is no attachment to this transmittal letter
23 although the, the transmittal letter does reference that a
24 copy is being -- a copy of the drug certification is being
25 provided. I'd just like to note that I am aware of that and

1 Your Honor should be aware of that.

2 MR. HUTTON: Well, I'd like to clarify that. There
3 is no attachment to this letter where? In the FCC's records
4 or in your exhibit?

5 MR. SCHONMAN: In my exhibit.

6 MR. HUTTON: Okay.

7 BY MR. SCHONMAN:

8 Q In my exhibit. I can't recall. Did I ask you
9 whether that's your signature on this page?

10 A On, on -- which are we talking on --

11 Q On Bureau Exhibit No. 9.

12 A -- October -- yes, that's -- that is.

13 Q On Exhibit 9?

14 A Correct.

15 Q And this was filed with the FCC's secretary's
16 office?

17 A That's what the date stamp shows. I would assume it
18 was.

19 Q And you received a copy of this -- a stamped copy
20 for your files as was your practice?

21 A Should have. I -- but mind you, Mr. Schonman, I,
22 I'm not testifying from independent recollection. I just --
23 that was the procedure.

24 Q We can move on to Bureau Exhibit No. 10.

25 A Um-hum.

1 Q And that's a Commission letter dated October 30,
2 1992, granting CAVAN its third round of silent status. Did
3 you receive this letter, Mr. Monahan?

4 A I'm sure I did. I'm sure I did.

5 Q And this authorized WTMS-AM to remain silent for
6 three months through January 30, 1993?

7 A Yes.

8 Q And this was granted within days of your prior
9 written submission. Is that correct? That is, within days of
10 your submission of Bureau Exhibit No. 9?

11 A Well, not -- that wouldn't be correct,
12 Mr. Schonman, unless we had the attachment on 9 because that's
13 what they were after, apparently.

14 Q Well, Bureau Exhibit No. 9 is a transmittal letter
15 dated October 23, 1992.

16 A Correct.

17 Q Is that correct?

18 A That's correct.

19 Q And Bureau Exhibit No. 10 grants the station its
20 third round of silent status and the date of that grant is
21 October 30, 1992.

22 A Right.

23 Q And October 30, 1992 is several days after
24 October 23, 1992.

25 A That's correct.

1 Q So, in other words, after the staff had received
2 your letter of October 23, 1992, the staff then granted your
3 silent authority that you had requested.

4 A Yes.

5 Q We can turn to Bureau Exhibit No. 11, and that's a
6 staff inquiry letter dated February 18, 1993. Do you see
7 that?

8 A Yes.

9 Q Do you recall receiving this letter?

10 A I do.

11 Q Now, as of the date of this letter WTMS was off the
12 air without authority. Is that correct?

13 A That's correct.

14 Q And in fact, the only authority that WTMS had to
15 remain silent had expired on January 30, 1993. Isn't that
16 correct?

17 A That's correct.

18 Q So, this would have been CAVAN's second violation of
19 the silent authority? Is that correct?

20 A Well, in what context do you want me to answer that?
21 The staff never viewed it that way. I mean, I'm not going to
22 make that kind of admission, Mr. Schonman, when the staff
23 never viewed it that way. They granted this.

24 Q It is a fact that -- that the AM station was off the
25 air without authority at the time this letter was issued. Is

1 that correct? I think you've already testified to that.

2 A Right.

3 Q And at this time, WTMS had been silent without
4 authority for a period of three weeks.

5 A Eighteen days, yes.

6 Q We can turn to Bureau Exhibit No. 12. Now, this is
7 CAVAN's fourth request for silent status dated March 22, 1993.
8 Is that your signature on page 2?

9 A That's correct.

10 Q Was this letter filed with the FCC's secretary's
11 office?

12 A The date stamp would indicate that it was.

13 Q And as was your practice, did you obtain a stamped
14 copy of this letter for your records?

15 A Should have.

16 Q We can turn to Bureau, Bureau Exhibit No. 13. This
17 is a staff letter of March 30, 1993, granting a fourth period
18 of silent status to CAVAN and that silent status was to run
19 through June 30, 1993. Is that correct?

20 A That's correct.

21 Q Do you recall receiving this letter?

22 A I believe I do, yes.

23 Q And it's a fact that this letter was granted within
24 days of CAVAN's request for further authority to remain
25 silent?

1 A Yes, it was.

2 Q Can we turn to Bureau Exhibit No. 14?

3 A Yes.

4 Q And this is a staff inquiry letter dated July 26,
5 1993. Is that correct?

6 A That's correct.

7 Q Do you recall receiving this letter?

8 A Well, I got a fax of it. This is the period in
9 which I moved out to Oregon and I got a fax of it later when I
10 was -- from the station. They called me to say that they had
11 received it and they faxed a copy out to me.

12 Q Do you recall when you received it?

13 A No, not exactly, but it probably would have been
14 either the end of the month, very early August, something like
15 that. After the station got it they sent it to me by fax.

16 Q Now, as of the date of this letter WTMS was again
17 off the air without authority. Is that correct?

18 A The authority had expired. That's correct.

19 Q And in fact, the only authority that TMS -- WTMS had
20 to remain silent had expired on June 30, 1993. Is that
21 correct?

22 A Correct.

23 Q Therefore, WTMS was silent without authority and had
24 been for a period of one month. Isn't that also correct?

25 A At that juncture it would have been 26 days. That's

1 correct.

2 Q Almost a month then?

3 A Right.

4 Q Now, Mr. Monahan, the judge has allowed into
5 evidence an attachment to your exhibit of August 26, 1993
6 which you've testified was filed with the Commission in
7 response to this July 26, 1993 letter. Is that correct?

8 A That is correct.

9 Q And that attachment is attachment --

10 A J.

11 Q There is no date stamp on that letter is there, that
12 it was received --

13 A No, but --

14 Q -- by the FCC's secretary's office? Is that
15 correct?

16 A That's correct, there is no date stamp on it. This
17 is a file copy from my, from my file in, in Eugene.

18 Q I understand. Now, you maintain that you filed this
19 response to the letter of inquiry on August 26, 1993. What
20 happened after you submitted it? Did you hear back from the
21 Commission at all?

22 A Did not.

23 Q How much --

24 A Not, not until the HDO came out.

25 Q And that was inconsistent with the Commission's

1 previous practice. Previously isn't it a fact that the
2 Commission had acted sometimes within days but certainly not
3 more than one month after you had requested authority the
4 staff acted. Isn't that correct?

5 A Well, I don't think that's necessarily so,
6 Mr. Schonman. If you go back to -- where were we? In '92 I
7 think there was a --

8 Q Well, direct my attention to an exhibit.

9 A Well, for instance, after we filed in, after we
10 filed in August 20th of '92 it was two months later when they
11 were still trying to find a copy of a drug certificate before
12 they acted on it. I mean, immediate -- if your, if your point
13 is there's almost immediate turnaround on this, you know, I
14 have to point out that, no, there is not always immediate
15 turnaround.

16 Q No, I'm not, I'm not asking you whether there was an
17 immediate turnaround. But there was a reasonable amount of
18 time that the staff acted on your requests. But in this case
19 several months went by and you never heard from the, the
20 Commission's staff regarding your August 26, 1993 response to
21 the Commission's --

22 A Um-hum.

23 Q -- most recent letter of inquiry. Is that correct?

24 A That's correct.

25 Q Did you ever inquire of the Commission's staff what

1 happened to my request for further authority to remain silent?

2 A No, but I had been back in Washington in August
3 after I got this letter. I was back here around the 9th or
4 10th and I spoke to Mr. Burtle because the tone of these
5 letters was getting increasingly tougher about it because, you
6 know, it was, it was somewhat -- you know, you picked up in
7 conversation with the staff is that they wanted a more
8 significant showing as to what you were doing either to find a
9 buyer or put the station back on the air and Jim Burtle had
10 told me that you've got to have more supporting documentation
11 to -- if you're going to justify any further extensions. And
12 that was one of the reasons I had gone out to get ahold of SMS
13 to say hey, look, I got to demonstrate that I've been trying
14 to find a buyer for this station and I need something probably
15 other than my say so.

16 Q What is SMS?

17 A It was that -- you'll notice there is an attachment
18 here from Systems Management signed by a gentleman named --
19 well, this copy is not signed, but it's Kevin Schmersal --

20 Q Right.

21 A -- sales manager -- he's a consultant -- broadcast
22 consultant up in Bangor, Maine, whom we had been using for the
23 better part of a year and a half or more, I forget when he
24 came aboard. But I wanted to, to -- we'd already told him
25 we'd been using Mel Stone and what else we had done and I, I

1 felt based on that conversation with Jim Burtle that you had
2 to have something more than just the simple request which we
3 had filed in the past. So, I'd submitted it to him and he
4 told me that -- he says, you know, the Commission policy is
5 changing here, that, you know, if you're not going to put them
6 back on the air or do something with them we're not going to
7 let them hang out there much longer. And I said -- I
8 explained him that I had conversations with a couple of
9 brokers and that they were looking at buyers. And he said,
10 well, you know, give me some documentation if that's the case.
11 So that's why I went out and got Schmersal to provide me a
12 letter that I in fact had been doing it.

13 Q When was your conversation with Mr. Burtle?

14 A It probably would have been August 7th, 8th or 9th.
15 I was back here for a week in early-August and it was doing
16 that time. Because I --

17 Q So, it was prior to your written response?

18 A That's correct.

19 Q My question to you was, after you filed your written
20 response, or I should say purportedly filed your written
21 response, on August 26, 1993 --

22 A Um-hum.

23 Q -- months went by and you never heard from
24 Commission's staff on the status of your request to remain
25 silent.

1 A Well, yeah, three months went by but I hadn't --
2 frankly, I thought well, they may be taking a real, though,
3 hard look at it, that maybe it's not sufficient.

4 Q And did you inquire of the Commission's staff why is
5 it taking so long, what's the status of my most recent request
6 for --

7 A Frankly, no, I didn't.

8 Q Let me finish.

9 A I didn't inquire.

10 Q You made no inquiry at all?

11 A No.

12 Q And the next you heard from the Commission was a
13 show cause order has been released?

14 A Correct.

15 Q Given the fact that the staff had in each instance
16 that you had requested silent authority acted within a
17 reasonable amount of time, why is it that you never inquired
18 of the status of your August 26, 1993 filing?

19 A You want me to agree with you that it was a
20 reasonable amount of time. I don't necessarily subscribe to
21 that because I just pointed to you, Mr. Schonman, that the
22 year before they'd taken over two months to issue a show cause
23 -- I mean to get back to me before they issued a show cause
24 order. I mean, I just didn't believe that was highly
25 irregular in the amount of time they took. You'll notice in

1 August, they wanted two months to tell me that they didn't
2 have a copy of the anti-drug abuse certificate.

3 Q Direct my attention to the Bureau's exhibits if that
4 --

5 A Well, exhibits --

6 Q I think I'd like to clarify the record.

7 A -- exhibits -- in Exhibit -- we filed a letter on --
8 let's see, we filed a request on July 10th, 1992. The Bureau
9 didn't grant that until October 23rd -- no, October 30th,
10 1992.

11 Q So, you're --

12 A That was a three-month period. I mean, it didn't
13 strike me as being anything out of the ordinary that they were
14 taking that kind of time.

15 Q Well, let's, let's look into this, Mr. Monahan.
16 You're, you're referring to Bureau Exhibit No. 6, CAVAN's
17 third request for silent status dated July 10, 1992?

18 A Yes. If you track that --

19 Q All right.

20 A -- that exhibit and --

21 Q Let me ask the questions, please. Look at Bureau
22 Exhibit No. 7.

23 A Right.

24 Q That's the staff letter requesting a drug
25 certification.

1 A Correct.

2 Q That came what, two weeks perhaps at most, after you
3 had filed the request for silent authority.

4 A Correct.

5 Q In other words, the staff was responding to the
6 request for silent authority and, and determined that more
7 information was needed. That came just weeks after CAVAN's
8 request for silent status, and in --

9 A But I'm referring --

10 Q -- and in fact, when CAVAN filed its copy of the
11 drug certification on October 23, 1992, and that's reflected
12 in Bureau Exhibit No. 9, it was only days later that CAVAN had
13 its request for silent authority granted. In each case --

14 MR. HUTTON: Your Honor, I object. He's, he's
15 attempting to testify. He should be asking questions of the
16 witness. He's arguing with the witness.

17 JUDGE LUTON: That is somewhat argumentative. It
18 seems to me that the points that you're going over are --
19 Mr. Schonman are already in the record and you are free to use
20 those points, those facts as they stand to make the kind of
21 argument that you apparently intend to make. It isn't really
22 necessary to have the witness agree with you.

23 MR. SCHONMAN: Thank you, Your Honor.

24 JUDGE LUTON: Now, to the extent that you're
25 pressing him to agree with you, the examination becomes

1 argumentative and not proper.

2 BY MR. SCHONMAN:

3 Q I'll move on. We can move on to Bureau Exhibit
4 No. 15. I think that's where I last left off. Now, Bureau
5 Exhibit No. 15 consists of several different submissions to
6 the Commission, Your Honor. Mr. Monahan, page 1 of Bureau
7 Exhibit No. 15 is a letter dated January 7, 1993. Is that
8 your signature?

9 A Correct.

10 Q And that reflects that the information previously
11 provided is still accurate?

12 A That would be correct.

13 Q And the information that was previously provided is
14 reflected beginning on page 2 and running through pages --
15 page 6?

16 A That's correct.

17 Q Is that your signature on page 2?

18 A Yes.

19 Q And page 3?

20 A Correct.

21 Q And beginning on page 7 is a prior submission, the
22 covering letter dated December 3, 1990. Is that correct?

23 A That's, that's correct.

24 Q Is that your signature on page 7?

25 A That's correct.

1 Q And on page 8 as well?

2 A Yes.

3 Q Now, all the information provided in all these
4 pages, was this information accurate when submitted to the
5 Commission?

6 MR. HUTTON: I object on grounds of relevance. I
7 haven't objected to the admission of this material but I don't
8 understand the relevance to the issues in the case.

9 JUDGE LUTON: You mean you object before but you're
10 objecting now?

11 MR. HUTTON: Well, I object to the line of
12 questioning. I object to his particular question about the
13 accuracy of this material. I don't understand the relevance
14 to the case.

15 JUDGE LUTON: Overruled.

16 WITNESS: I believe it was.

17 BY MR. SCHONMAN:

18 Q Mr. Monahan, who is Charles Nadeau, N-A-D-E-A-U?

19 A He's a local, he's a local Presque Isle resident who
20 has a minor piece of the stock in the company.

21 Q On page 5 of your direct testimony --

22 A Right.

23 Q -- you indicate that you approached Mr. Nadeau with
24 the idea of, of selling it to him -- selling the station to
25 him.

1 A Correct.

2 Q And you don't identify on page 5 that Mr. Nadeau was
3 at the time you approached already a shareholder in CAVAN do
4 you?

5 A I suppose I don't.

6 MR. HUTTON: Objection. Relevance.

7 WITNESS: I suppose I don't, no.

8 BY MR. SCHONMAN:

9 Q Why didn't you?

10 MR. HUTTON: Objection. Relevance.

11 WITNESS: I don't know.

12 JUDGE LUTON: Overruled.

13 WITNESS: Why didn't I identify him? No reason.

14 He, he was a -- my mind set was to tell you who was trying to
15 buy the station and there were several people and Doc Nadeau
16 was one of the people who originally wanted to but it all.
17 He'd been in broadcasting once before and I think that's why
18 he bought in, to have a small piece of the station because he
19 liked the idea of being in broadcasting and he had -- we had
20 several conversations back and forth with him to buy it all.
21 He, he just liked the idea of owning a hometown radio station
22 but they just never came to pass.

23 BY MR. SCHONMAN:

24 Q But at the time you approached him to "buy" the
25 station he was already an owner of the station.

1 A Two-percent shareholder. He wanted it all. I mean,
2 that was the idea. He was considering buying it all if he
3 could raise the money for it.

4 Q The station is presently on the air? Is that
5 correct?

6 A Right.

7 Q When did the station return to the air?

8 A I think it may have been, it may have been last
9 Friday is when they -- well, they had it on the air with tests
10 but they didn't have the satellite hooked up so they could
11 continuously feed a new news and information and programming.
12 Prior to that, I -- it was just some music they were playing
13 to see what kind of sound they could get. But I -- for
14 resumption of what I call full-time operation, I believe it
15 was a week ago this, this past Friday.

16 Q Well, let's try to nail it down.

17 A Well, that would have been -- what's today, the
18 23rd?

19 Q 24th.

20 A 24th. It would have been about the 18th. I think
21 the 18th that they went -- I could -- if you need I can find
22 out for sure when it did actually go on. But prior to that
23 time it was on intermittently while they were doing some
24 testing.

25 Q When it was on intermittently what type of signal

1 was the station emitting?

2 A Well, I knew they put some music on it at one time,
3 but I don't know if they're doing tone testing or what you
4 call equipment tests or what. That I don't know.

5 Q Did the station return to the air with any authority
6 issued by the Commission?

7 A It has an STA.

8 Q I know it has one. At the time it returned to the
9 air did it have any authority?

10 A It -- for equipment tests I don't know if you need
11 independent authority. For program tests in this case you
12 need it for the, you need it for the nighttime directional I
13 think is the way they, they wrote the condition. I think
14 daytime it's up in the air as to what you need.

15 Q Turn to Bureau Exhibit No. 16.

16 A Um-hum.

17 Q And that's a two-page letter to the Commission dated
18 March 7 --

19 A Um-hum.

20 Q -- 1994. Is that your signature on page 2 of this
21 document?

22 A Yes.

23 Q And this is a request for an STA?

24 A Correct.

25 Q Why did CAVAN want an STA from the Commission?

1 A Gee, Mr. Schonman, I thought you knew very well.
2 You and I had had conversations before we ever got here
3 because I had been hopeful that we could have it on the air
4 within 21 days of this proceeding in order to, in order to
5 file a motion for summary decision to wash out that issue and
6 you had told me that if it wasn't back on the air within 21
7 days you wouldn't join in that. So, I, I did not want to come
8 to this hearing and say somehow I failed to get that station
9 back on the air. And the, the nighttime -- the -- it was my
10 impression that I couldn't go nighttime with 5-W without
11 having the license application on file and I was having
12 difficulty finding an engineer who had the qualifications to
13 do the partial proof that the staff was requesting. And they
14 had snow and they had weather and it was a horror show up
15 there trying to get someone up there. And I, I -- the guy
16 could not give me -- the engineer we used, a gentleman named
17 Howard Soule, he couldn't give me assurances as to when he
18 could complete the proof because he was concerned about
19 weather conditions. And I felt if I walked into this hearing
20 room and that station was still off the air for some reason
21 because the nighttime authority hadn't been approved I'd be in
22 major trouble. So I wanted, I wanted to show that this --
23 that we were proceeding in good faith to get this thing back
24 on the air. And I talked to the staff and told them what I
25 was after and they said well submit a written request, we